

Senate File 135 - Introduced

SENATE FILE _____
BY SENG, HORN, HATCH, KREIMAN,
BOLKCOM, BLACK, KIBBIE,
DEARDEN, GASKILL, LUNDBY,
JOHNSON, and McKIBBEN

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act regulating dangerous wild animals, including their
2 ownership and possession, requiring registration, providing
3 for fees and appropriations, and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1622XS 82
6 da/je/5

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1 1 Section 1. NEW SECTION. 717F.1 DEFINITIONS.
1 2 As used in this chapter, unless the context otherwise
1 3 requires:
1 4 1. a. "Circus" means a person who is all of the
1 5 following:
1 6 (1) The holder of a class "C" license issued by the United
1 7 States department of agriculture as provided in 9 C.F.R., pt.
1 8 2, subpt. A.
1 9 (2) Is temporarily in this state as an exhibitor as
1 10 defined in 9 C.F.R., pt. 1, for purposes of providing skilled
1 11 performances by dangerous wild animals, clowns, or acrobats
1 12 for public entertainment.
1 13 b. "Circus" does not include a person, regardless of
1 14 whether the person is a holder of a class "C" license as
1 15 provided in paragraph "a", who does any of the following:
1 16 (1) Keeps a dangerous wild animal which is a member of the
1 17 order carnivora within the family felidae or the family
1 18 ursidae, as described in this section.
1 19 (2) Uses the dangerous wild animal for any of the
1 20 following purposes:
1 21 (a) A presentation to children at a public or nonpublic
1 22 school as defined in section 280.2.
1 23 (b) Entertainment that involves an activity in which a
1 24 member of the public is in close proximity to the dangerous
1 25 wild animal, including but not limited to a contest or a
1 26 photographic opportunity.
1 27 2. "Custody" means to possess, control, keep, or harbor a
1 28 dangerous wild animal in this state by a public agency.
1 29 3. a. "Dangerous wild animal" means any of the following:
1 30 (1) A member of the family canidae of the order carnivora,
1 31 including but not limited to wolves, coyotes, and jackals.
1 32 However, a dangerous wild animal does not include a domestic
1 33 dog.
1 34 (2) A member of the family hyaenidae of the order of
1 35 carnivora, including but not limited to hyenas.
2 1 (3) A member of the family felidae of the order carnivora,
2 2 including but not limited to lions, tigers, cougars, leopards,
2 3 cheetahs, ocelots, and servals. However, a dangerous wild
2 4 animal does not include a domestic cat.
2 5 (4) A member of the family ursidae of the order carnivora,
2 6 including bears and pandas.
2 7 (5) A member of the family rhinocerotidae order
2 8 perissodactyla, which is a rhinoceros.
2 9 (6) A member of the order proboscidea, which are any
2 10 species of elephant.
2 11 (7) A member of the order of primates other than humans,
2 12 and including the following families: callitrichiidae,
2 13 cabidae, cercopithecidae, cheirogaleidae, daubentoniidae,
2 14 galagonidae, hominidae, hylobatidae, indridae, lemuridae,
2 15 loridae, megaladapidae, or tarsiidae. A member includes but
2 16 is not limited to marmosets, tamarins, monkeys, lemurs,

2 17 galagos, bushbabies, great apes, gibbons, lesser apes, indris,
2 18 sifakas, and tarsiers.

2 19 (8) A member of the order crocodilia, including but not
2 20 limited to alligators, caimans, crocodiles, and gharials.

2 21 (9) A member of the family varanidae of the order
2 22 squamata, which are limited to water monitors and crocodile
2 23 monitors.

2 24 (10) A member of the order squamata which is any of the
2 25 following:

2 26 (a) A member of the family varanidae, which are limited to
2 27 water monitors and crocodile monitors.

2 28 (b) A member of the family atractaspidae, including but
2 29 not limited to mole vipers and burrowing asps.

2 30 (c) A member of the family helodermatidae, including but
2 31 not limited to beaded lizards and gila monsters.

2 32 (d) A member of the family elapidae, voperidae,
2 33 crotalidae, atractaspidae, or hydrophidae which are venomous,
2 34 including but not limited to cobras, mambas, coral snakes,
2 35 kraits, adders, vipers, rattlesnakes, copperheads, pit vipers,
3 1 keelbacks, cottonmouths, and sea snakes.

3 2 (e) A member of the superfamily henophidia, which are
3 3 limited to reticulated pythons, anacondas, and African rock
3 4 pythons.

3 5 b. "Dangerous wild animal" includes an animal which is the
3 6 offspring of an animal provided in paragraph "a", and another
3 7 animal provided in that paragraph or any other animal. It
3 8 also includes animals which are the offspring of each
3 9 subsequent generation. However, a dangerous wild animal does
3 10 not include the offspring of a domestic dog and a wolf, or the
3 11 offspring from each subsequent generation in which at least
3 12 one parent is a domestic dog.

3 13 c. A dangerous wild animal does not include a member of
3 14 the family equidae including but not limited to a horse,
3 15 zebra, donkey, mule, or hinney, or a member of the tapiridae
3 16 family including but not limited to tapirs.

3 17 4. "Department" means the department of agriculture and
3 18 land stewardship.

3 19 5. "Electronic identification device" means a device which
3 20 when installed is designed to store information regarding an
3 21 animal or the animal's owner in a digital format which may be
3 22 accessed by a computer for purposes of reading or manipulating
3 23 the information.

3 24 6. "Possess" means to own, keep, or control a dangerous
3 25 wild animal, or supervise or provide for the care and feeding
3 26 of a dangerous wild animal, including any activity relating to
3 27 confining, handling, breeding, transporting, or exhibiting the
3 28 dangerous wild animal.

3 29 7. "Public agency" means the same as defined in section
3 30 28E.2.

3 31 8. "Wildlife sanctuary" means an organization exempt from
3 32 taxation pursuant to section 501(c) of the Internal Revenue
3 33 Code that operates a place of refuge where abused, neglected,
3 34 unwanted, impounded, abandoned, orphaned, or displaced
3 35 wildlife are provided care for their lifetime, if all of the
4 1 following apply:

4 2 a. The organization does not buy, sell, trade, auction,
4 3 lease, loan, or breed any animal of which the organization is
4 4 an owner.

4 5 b. The organization is accredited by the American
4 6 sanctuary association, the association of sanctuaries, or
4 7 another similar organization recognized by the department.

4 8 Sec. 2. NEW SECTION. 717F.2 RULEMAKING == CHAPTER 28E
4 9 AGREEMENTS == ASSISTANCE OF ANIMAL WARDEN.

4 10 1. The department shall administer this chapter by doing
4 11 all of the following:

4 12 a. Adopting rules as provided in chapter 17A for the
4 13 administration and enforcement of this chapter.

4 14 b. Entering into agreements with public agencies pursuant
4 15 to chapter 28E as the department determines necessary for the
4 16 administration and enforcement of this chapter.

4 17 2. An animal warden as defined in section 162.2 shall
4 18 assist the department in seizing and maintaining custody of
4 19 dangerous wild animals.

4 20 Sec. 3. NEW SECTION. 717F.3 DANGEROUS WILD ANIMALS ==
4 21 PROHIBITIONS.

4 22 Except as otherwise provided in this chapter, a person
4 23 shall not do any of the following:

4 24 1. Own or possess a dangerous wild animal.

4 25 2. Cause or allow a dangerous wild animal owned by a
4 26 person or in the person's possession to breed.

4 27 3. Transport a dangerous wild animal into this state.

4 28 Sec. 4. NEW SECTION. 717F.4 OWNING OR POSSESSING
4 29 DANGEROUS WILD ANIMALS ON THE EFFECTIVE DATE OF THIS ACT ==
4 30 FEES.
4 31 A person who owns or possesses a dangerous wild animal on
4 32 the effective date of this Act may continue to own or possess
4 33 the dangerous wild animal subject to all of the following:
4 34 1. The person must be eighteen years old or older.
4 35 2. a. The person must not have been convicted of an
5 1 offense involving the abuse or neglect of an animal pursuant
5 2 to a law of this state or another state, including but not
5 3 limited to chapter 717, 717B, 717C, or 717D or an ordinance
5 4 adopted by a city or county.
5 5 b. The department, another state, or the federal
5 6 government must not have suspended an application for a permit
5 7 or license or revoked a permit or license required to operate
5 8 a commercial establishment for the care, breeding, or sale of
5 9 animals, including as provided in chapter 162.
5 10 c. The person must not have been convicted of a felony for
5 11 an offense committed within the last ten years, as provided by
5 12 this Code, under the laws of another state, or under federal
5 13 law.
5 14 d. The person must not have been convicted of a
5 15 misdemeanor or felony for an offense committed within the last
5 16 ten years involving a controlled substance as defined in
5 17 section 124.101 in this state, under the laws of another
5 18 state, or under federal law.
5 19 3. Within sixty days after the effective date of this Act,
5 20 the person must have an electronic identification device
5 21 implanted beneath the skin or hide of the dangerous wild
5 22 animal, unless a licensed veterinarian states in writing that
5 23 the implantation would endanger the comfort or health of the
5 24 dangerous wild animal. In such case, an electronic
5 25 identification device may be otherwise attached to the
5 26 dangerous wild animal as required by the department.
5 27 4. Within sixty days after the effective date of this Act,
5 28 the person must notify the department using a registration
5 29 form prepared by the department. The registration form shall
5 30 include all of the following information:
5 31 a. The person's name, address, and telephone number.
5 32 b. A sworn affidavit that the person meets the
5 33 requirements necessary to own or possess a dangerous wild
5 34 animal as provided in this section.
5 35 c. A complete inventory of each dangerous wild animal
6 1 which the person owns or possesses. The inventory shall
6 2 include all of the following information:
6 3 (1) The number of the dangerous wild animals according to
6 4 species.
6 5 (2) The manufacturer and manufacturer's number of the
6 6 electronic device implanted in or attached to each dangerous
6 7 wild animal.
6 8 (3) The location where each dangerous wild animal is kept.
6 9 The person must notify the department in writing within ten
6 10 days of a change of address or location where the dangerous
6 11 wild animal is kept.
6 12 (4) The approximate age, sex, color, weight, scars, and
6 13 any distinguishing marks of each dangerous wild animal.
6 14 (5) The name, business mailing address, and business
6 15 telephone number of the licensed veterinarian who is
6 16 responsible for providing care to the dangerous wild animal.
6 17 The information shall include a statement signed by the
6 18 licensed veterinarian certifying that the dangerous wild
6 19 animal is in good health.
6 20 (6) A color photograph of the dangerous wild animal.
6 21 (7) A copy of a current liability insurance policy as
6 22 required in this section. The person shall send a copy of the
6 23 current liability policy to the department each year.
6 24 The department may charge a registration fee for each
6 25 dangerous wild animal kept by the person. The amount of the
6 26 registration fee shall not exceed five hundred dollars. Fees
6 27 collected by the department shall be deposited into the
6 28 dangerous wild animal registration fund created pursuant to
6 29 section 717F.8.
6 30 5. The person must maintain health and ownership records
6 31 for the dangerous wild animal for the life of the dangerous
6 32 wild animal.
6 33 6. The person must confine the dangerous wild animal in a
6 34 primary enclosure as required by the department on the
6 35 person's premises. The person must not allow the dangerous
7 1 wild animal outside of the primary enclosure unless the
7 2 dangerous wild animal is moved pursuant to any of the
7 3 following:

7 4 a. To receive veterinary care from a licensed
7 5 veterinarian.
7 6 b. To comply with the directions of the department or an
7 7 animal warden.
7 8 c. To transfer ownership and possession of the dangerous
7 9 wild animal to a wildlife sanctuary or provide for its
7 10 destruction by euthanasia as required by the department.
7 11 7. The person must display at least one sign on the
7 12 person's premises where the dangerous wild animal is kept
7 13 warning the public that the dangerous wild animal is confined
7 14 there. The sign must include a symbol warning children of the
7 15 presence of the dangerous wild animal.
7 16 8. The person must immediately notify an animal warden or
7 17 other local law enforcement official of any escape of a
7 18 dangerous wild animal.
7 19 9. The person must maintain liability insurance coverage
7 20 in an amount of not less than one hundred thousand dollars
7 21 with a deductible of not more than two hundred fifty dollars,
7 22 for each occurrence of property damage, bodily injury, or
7 23 death caused by each dangerous wild animal kept by the person.
7 24 10. The person who owns or possesses the dangerous wild
7 25 animal is strictly liable for any damages, injury, or death
7 26 caused by the dangerous wild animal. The person must
7 27 reimburse the department or other public agency for actual
7 28 expenses incurred by capturing and maintaining custody of the
7 29 dangerous wild animal.
7 30 11. If the person is no longer able to care for the
7 31 dangerous wild animal, all of the following apply:
7 32 a. The person must so notify the department, stating the
7 33 planned disposition of the dangerous wild animal.
7 34 b. The person must dispose of the dangerous wild animal by
7 35 transferring ownership and possession to a wildlife sanctuary
8 1 or providing for its destruction by euthanasia as required by
8 2 the department.
8 3 Sec. 5. NEW SECTION. 717F.5 SEIZURE, CUSTODY, AND
8 4 DISPOSAL OF DANGEROUS WILD ANIMALS.
8 5 1. a. Except as provided in paragraph "b", the department
8 6 shall seize a dangerous wild animal which is in the possession
8 7 of a person if the person is not in compliance with the
8 8 requirements of this chapter.
8 9 b. Upon request, the department may provide that the
8 10 person retain possession of the dangerous wild animal for not
8 11 more than fourteen days, upon conditions required by the
8 12 department. During that period, the person shall take all
8 13 necessary actions to comply with this chapter. The department
8 14 shall inspect the premises where the dangerous wild animal is
8 15 kept during reasonable times to ensure that the person is
8 16 complying with the conditions.
8 17 2. If the person fails to comply with the conditions of
8 18 the department at any time or is not in compliance with this
8 19 chapter following the ten-day period, the department shall
8 20 seize the dangerous wild animal.
8 21 a. The dangerous wild animal shall be considered to be a
8 22 threatened animal which has been rescued as provided in
8 23 chapter 717B. The court may authorize the return of the
8 24 dangerous wild animal to the person from whom the dangerous
8 25 wild animal was seized if the court finds all of the
8 26 following:
8 27 (1) The person is capable of providing the care required
8 28 for the dangerous wild animal.
8 29 (2) There is a substantial likelihood that the person will
8 30 provide the care required for the dangerous wild animal.
8 31 (3) The dangerous wild animal has not been abused,
8 32 neglected, or tortured, as provided in chapter 717B.
8 33 b. If the court orders a permanent disposition of the
8 34 dangerous wild animal, the dangerous wild animal shall be
8 35 subject to disposition as provided in section 717B.4 and the
9 1 responsible party shall be assessed costs associated with its
9 2 seizure, custody, and disposition as provided in that section.
9 3 The department may find long-term placement for the dangerous
9 4 wild animal with a wildlife sanctuary or institution
9 5 accredited by the American zoo and aquarium association.
9 6 Sec. 6. NEW SECTION. 717F.6 CAUSE OF THE ESCAPE OF A
9 7 DANGEROUS WILD ANIMAL == PROHIBITION.
9 8 A person shall not intentionally cause a dangerous wild
9 9 animal to escape from its place of confinement, including as
9 10 provided in section 717F.4.
9 11 Sec. 7. NEW SECTION. 717F.7 EXEMPTIONS.
9 12 This chapter does not apply to any of the following:
9 13 1. An institution accredited by the American zoo and
9 14 aquarium association.

9 15 2. A wildlife sanctuary.
9 16 3. A person who has been issued a falconry license by the
9 17 department pursuant to section 483A.1.
9 18 4. A person who has been issued a wildlife rehabilitation
9 19 permit by the department pursuant to section 481A.65.
9 20 5. A circus that obtains a permit from a city in which it
9 21 will be temporarily operating, if the city issues permits.
9 22 6. A city.
9 23 7. A nonprofit corporation governed under chapter 504 that
9 24 is an organization described in section 501(c)(3) of the
9 25 Internal Revenue Code and that is exempt from taxation under
9 26 section 501(a) of the Internal Revenue Code if the nonprofit
9 27 corporation was a party to a contract executed with a city
9 28 prior to the effective date of this Act to provide for the
9 29 exhibition of dangerous wild animals at a municipal zoo.
9 30 8. The state fair as provided in chapter 173 or any fair
9 31 as provided in chapter 174.
9 32 9. A licensed or accredited facility where a dangerous
9 33 wild animal is kept for educational or scientific purposes,
9 34 including an institution as defined in section 145B.1 or a
9 35 research facility as defined in section 162.2.
10 1 10. A location operated by a person licensed to practice
10 2 veterinary medicine pursuant to chapter 169.
10 3 11. A pound as defined in section 162.2.
10 4 12. An animal shelter as defined in section 162.2.
10 5 13. A county conservation board as provided in chapter
10 6 350.
10 7 14. An employee of the department responsible for the
10 8 administration of this chapter, an animal warden as defined in
10 9 section 162.2, or an animal care provider or law enforcement
10 10 officer as defined in section 717B.1.
10 11 15. A person temporarily transporting a dangerous wild
10 12 animal through this state if the transit time is not more than
10 13 ninety-six hours and the dangerous wild animal is maintained
10 14 within a confined area sufficient to prevent its escape or
10 15 injuring members of the traveling public.
10 16 16. A public agency which maintains permanent custody of a
10 17 dangerous wild animal, if the person to whom the public agency
10 18 assigns the duty to manage the custody of the dangerous wild
10 19 animal complies with the provisions of section 717F.4.
10 20 Sec. 8. NEW SECTION. 717F.8 DANGEROUS WILD ANIMAL
10 21 REGISTRATION FUND.
10 22 1. A dangerous wild animal registration fund is created in
10 23 the state treasury under the control of the department. The
10 24 fund is composed of moneys appropriated by the general
10 25 assembly and moneys available to and obtained or accepted by
10 26 the department from the United States or private sources for
10 27 placement in the fund. The fund shall include moneys
10 28 deposited into the fund from registration fees collected by
10 29 the department pursuant to section 717F.4.
10 30 2. Moneys in the dangerous wild animal registration fund
10 31 are appropriated to the department exclusively to administer
10 32 and enforce the provisions of this chapter. The moneys shall
10 33 not be transferred, used, obligated, appropriated, or
10 34 otherwise encumbered except as provided in this subsection.
10 35 3. Section 8.33 shall not apply to moneys in the dangerous
11 1 wild animal registration fund. Notwithstanding section 12C.7,
11 2 moneys earned as income or interest from the fund shall remain
11 3 in the fund until expended as provided in this section.
11 4 Sec. 9. NEW SECTION. 717F.9 ENFORCEMENT.
11 5 The department is the principal agency charged with
11 6 enforcing the provisions of this chapter. An animal warden as
11 7 defined in section 162.2, or an animal care provider or law
11 8 enforcement officer as defined in section 717B.1, shall
11 9 enforce this chapter as directed by the department.
11 10 Sec. 10. NEW SECTION. 717F.10 CIVIL PENALTY.
11 11 A person owning or possessing a dangerous wild animal who
11 12 violates a provision of this chapter is subject to a civil
11 13 penalty of not less than two hundred dollars and not more than
11 14 two thousand dollars for each dangerous wild animal involved
11 15 in the violation. Each day that a violation continues shall
11 16 be considered as a separate offense. The civil penalties
11 17 shall be deposited into the general fund of the state.
11 18 Sec. 11. NEW SECTION. 717F.11 INJUNCTIVE RELIEF.
11 19 The courts of this state may prevent and restrain
11 20 violations of this chapter through the issuance of an
11 21 injunction. The attorney general or a county attorney shall
11 22 institute suits on behalf of the state to prevent and restrain
11 23 violations of this chapter.
11 24 Sec. 12. NEW SECTION. 717F.12 CRIMINAL PENALTIES.
11 25 A person who intentionally causes a dangerous wild animal

11 26 to escape in violation of this chapter is guilty of an
11 27 aggravated misdemeanor.

11 28 EXPLANATION

11 29 This bill creates new Code chapter 717F, which regulates
11 30 the possession of dangerous wild animals which are defined to
11 31 include wolves, coyotes, jackals, hyenas, lions, tigers,
11 32 cougars, leopards, cheetahs, ocelots, servals, bears, pandas,
11 33 rhinoceroses, elephants, primates other than humans,
11 34 alligators, crocodiles, water monitors, venomous snakes, and
11 35 certain constrictors (pythons and anacondas).

12 1 The department of agriculture and land stewardship is
12 2 charged to administer the bill's provisions, although the
12 3 department may execute Code chapter 28E agreements with other
12 4 government entities. The bill prohibits a person from owning
12 5 or possessing a dangerous wild animal, with certain
12 6 exceptions. It prohibits a person from breeding or
12 7 transporting a dangerous wild animal into this state.

12 8 The bill specifically allows a person to possess a
12 9 dangerous wild animal if the person has possession of the
12 10 dangerous wild animal on the effective date of the bill, but
12 11 subject to certain conditions. The person cannot have been
12 12 convicted of an offense relating to animal welfare and cannot
12 13 have recently been convicted of an offense relating to a
12 14 controlled substance or a felony. The person must attach or
12 15 install an electronic identification device to the dangerous
12 16 wild animal or beneath its skin or hide. The person must also
12 17 register the dangerous wild animal with the department. The
12 18 bill requires the person to pay a registration fee which is
12 19 deposited into a special fund controlled by the department.
12 20 The bill also provides that the person must confine the
12 21 dangerous wild animal according to a number of specifications
12 22 designed to secure it from the public. The person must
12 23 maintain liability insurance. The person is strictly liable
12 24 for damages or injuries resulting from the actions of the
12 25 dangerous wild animal.

12 26 The bill provides for the seizure, custody, and disposal of
12 27 dangerous wild animals which are kept in violation of the
12 28 bill's provisions. The department may allow the person in
12 29 possession of the dangerous wild animal to correct the
12 30 violation and keep the animal for 10 days but subject to
12 31 conditions established by the department. If the person fails
12 32 to comply with those conditions at any time or is not in
12 33 compliance with the bill's provisions following the 10-day
12 34 period, the department is required to seize the dangerous wild
12 35 animal. The dangerous wild animal is considered a threatened
13 1 animal in the same manner as provided in Code chapter 717B,
13 2 which authorizes the rescue of animals other than livestock.
13 3 It provides for notifying the owner of the dangerous wild
13 4 animal of the seizure, provides for a court hearing to
13 5 determine disposition, and requires that persons responsible
13 6 for the dangerous wild animal pay costs associated with its
13 7 custody and disposition. The bill provides that a court may
13 8 order the return of the dangerous wild animal if it determines
13 9 that the person is capable of providing for its care.

13 10 The bill exempts a number of persons and locations from the
13 11 requirements of the bill, including an accredited zoo,
13 12 sanctuary, circus, fair, research facility, licensed
13 13 veterinarian, pound, animal shelter, or a person transporting
13 14 the dangerous wild animal through the state.

13 15 A person who violates the bill's provisions is subject to a
13 16 civil penalty of not more than \$2,000 for each offense.

13 17 LSB 1622XS 82

13 18 da:rj/je/5.1